



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifteenth day of December Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN
CRL OP(MD) No.23223 of 2016

AHMED RAMALI

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY ,
1 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI,
MADURAI DISTRICT.
CRIME NO.869 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.AJMAL ASSOCIATES Advocate
For Respondent : MR.K.KUMAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 471 IPC and Section 3, 12(1)(b) Passport Act in Crime No.869 of 2016 on the file of the respondent police, seeks anticipatory bail.

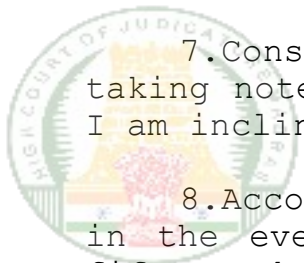
2.Heard the learned counsel on either side.

3.The case of the prosecution is that by giving false promise to obtain passport without any necessary documents, the petitioner along with other accused cheated huge amount from the de facto complainant.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.side) submitted that investigation is almost completed.

6.Earlier the petitioner filed a petition for anticipatory bail before this Court in Crl.O.P.(MD)No.19755 of 2016 and this Court by order dated 08.11.2016 dismissed the petition. After the dismissal of the anticipatory bail petition, the respondent Police did not act in accordance with law. Therefore, this creates a doubt in the mind of this Court that the respondent Police might have colluded with the accused.



7.Considering the facts and circumstances of the case and also taking note of the fact that the investigation is almost completed, I am inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10:30 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial. [d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
15/12/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to:

The Commissioner of Police, Madurai District.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.81115

ORDER
IN

CRL OP(MD) No.23223 of 2016
Date :15/12/2016

NBJ

CSL/GSV-PM/SAR-I/06.01.2017 : 2P/8C